

h



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,354	06/12/2001	Yoshinori Taniwaki	450100-03282	3898

20999 7590 06/25/2004
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 06/25/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

h

Office Action Summary

Application No.

09/879,354

Applicant(s)

TANIWAKI, YOSHINORI

Examiner

CUONG T THAI

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March/29/04 Amendment.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) None is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1 and 9-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2173

FINAL ACTION

1. This action is responsive to Amendment A filed on March/29/2004.
2. Claims 1-14 are presented for examination.
3. Replacement drawings of Figs. 3A-3B have been received and approved by the Examiner.

Claim Objections

4. Claims 1 and 9-14 are objected to minor informalities:

Claim 1 line 23, claim 9 line 20, claim 10 line 9, claim 11 line 7, claim 12 line 12, claim 13 line 12, and claim 14 line 13, for better clarifying functionality purpose. It is suggested that applicants replace "his/her" by "his or her".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (USPN: 5,884,282) in view of Hunter et al. (US: 2002/0056118 A1) hereinafter Hunter.

Art Unit: 2173

As per claims 1 (system) and 9 (method), Robinson discloses an audience information collecting system for providing information to an audience member at a venue where a performance including a movie or a theater production is presented and for collecting information from the audience member as the technique of coupled to private network 2 are a plurality of users 4A-4N, generally denoted 4. As using herein, the term "Internet" generally refers to any collection of distinct networks working together to appear as a single network to a user... The Internet provides file transfer, remote log in, electronic mail, news and other service (see col. 4, lines 9-17), comprising:

An audience terminal is taught by Robinson as the technique of data and software may be provided to and extract from computer system 11 (see col. 5, lines 35-36), comprising:

Providing information output means for outputting provided information to the audience member is taught by Robinson as the technique of the automated collaborative filtering (ACF) can be used to recommend any product or service that can be rated by a user of that product or service (see col. 3, lines 24-26);

Response information input means for inputting predetermined response information given by the audience member in response to the provided information is taught by Robinson as the technique of the probabilities are approximated from a meaningful number of ratings for the movie... For example, that Joe and Martha both assigned one star to the movie, whereas Henry and Ann both assigned the movie three star (see col. 7, lines 16-31);

Art Unit: 2173

Personal information reading means for reading personal information from a storage medium having stored therein beforehand the personal information of the audience member is taught by Robinson as the technique of the fire wall server 3 is a computer which couples the computers of a private network 2 to the Internet1 (see col. 4, lines 37-39 and see Fig. 1);

First transmitting and receiving means for receiving the provided information and for transmitting the response information and the personal information is taught by Robinson as the technique of computer system 11 includes a communications adaptor 50 which allows the system to be interconnected to a local area network or a wide area network schematically illustrated by bus 52 and network 54 (see col. 5, lines 56-59);

An information collecting unit comprising:

Provided information storage means for storing the provided information is taught by Robinson as the technique of a read only memory ROM 16 for permanently storage of information (see col. 5, lines 17-19);

Second transmitting and receiving means for transmitting the provided information and for receiving the response information and the personal information is taught by Robinson as the technique of data and computer program software can be transferred to and from computer system 11 via adaptor 50, bus 20 and network 52 (see col. 5, lines 59-61);

And compiling means for creating a compiled result of the response information and the personal information is taught by Robinson as the technique of the ratings from all raters of a particular item are combined into one overall measure of its goodness

Art Unit: 2173

(see col. 32, lines 21-22) and Cumulate Percentage of Rating (see col. 31 line 60 to col. 32 line 8);

Robinson, however, does not disclose the limitation of whereby said terminal is mounted such that said audience member can alternatively view said terminal and said performance by merely shifting his eyes and without having to reposition said terminal.

Hunter discloses the limitation of whereby said terminal is mounted such that said audience member can alternatively view said terminal and said performance by merely shifting his eyes and without having to reposition said terminal as the technique of Seat Back (see Fig. 27) and Graphical user interface 235 (see Fig. 11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hunter teaching of whereby said terminal is mounted such that said audience member can alternatively view said terminal and said performance by merely shifting his eyes and without having to reposition said terminal into that of Robinson's invention. By doing so, the system would be enhanced by allowing user alternatively viewing terminal or performance based on user's desired choice.

As per claim 2, Robinson discloses the invention substantially as claimed above. Robinson, however, does not disclose the limitation of wherein said audience terminal is installed at each seat in the venue.

Hunter discloses the limitation of wherein said audience terminal is installed at each seat in the venue as Seatback with Mounted Player (see Fig. 27).

Art Unit: 2173

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hunter teaching of said audience terminal is installed at each seat in the venue into that of Robinson's invention. By doing so, the system would be enhanced by allowing user responds to provided information quickly without get out of the seat. Thus, the system would provide an enhanced tool to its end users.

As per claim 3, Robinson discloses the limitation of wherein compiled result of the response information and the personal information compiled is transmitted via a network to a server of a client who has requested that information be collected as the technique of the ratings from all raters of a particular item are combined into one overall measure of its goodness (see col. 32, lines 21-22) and Cumulate Percentage of Rating (see col. 31 line 60 to col. 32 line 8) can be transferred to and from computer 11 and network 52 (see col. 5, lines 59-61 and see Fig. 2). This claim is therefore rejected for the reason as set forth above.

As per claim 4, Robinson discloses the limitation of wherein the provided information includes advertisement information for merchandise as the technique of any product or service that can be rated by a user of that product or service (see col. 3, lines 25-26). Robinson, however, does not disclose the limitation of the audience member makes a purchase request to purchase the merchandise using response information input means.

Hunter discloses the audience member makes a purchase request to purchase the merchandise using response information input means as the technique of Ordering (see page 9, paragraph 132), Promotion Base Streaming (see Fig. 16) and Audience member make a purchase request through Credit Account and Financial Network (see Fig. 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hunter teaching of the audience member makes a purchase request to purchase the merchandise using response information input into that of Robinson's invention. By doing so, the system would be enhanced by allowing user making a purchase responds to provided information quickly without get out of the seat. Thus, the system would provide an enhanced tool to its end users.

As per claim 5, Robinson discloses the invention substantially as claimed above. Robinson, however, does not disclose the limitation of wherein funds are electronically stored in said storage medium and the audience member makes a payment for the purchase requested by the payment request using personal information.

Hunter discloses the limitation of wherein funds are electronically stored in said storage medium and the audience member makes a payment for the purchase requested by the payment request using personal information as the technique of Account set up and Billing procedure (see page 9, paragraphs 130-135).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hunter teaching of wherein funds are electronically

Art Unit: 2173

stored in said storage medium and the audience member makes a payment for the purchase requested by the payment request using personal information into that of Robinson's invention. By doing so, the system would be enhanced by allowing user making a purchase responds to provided information quickly without get out of the seat. Thus, the system would provide an enhanced tool to its end users.

As per claim 6, Robinson discloses the invention substantially as claimed above. Robinson, however, does not disclose the limitations of wherein said information collecting unit receives and compiles the purchase request from the audience member and transmits the compiled result to a server of a distributor of the merchandise.

Hunter discloses the limitations of wherein said information collecting unit receives and compiles the purchase request from the audience member and transmits the compiled result to a server of a distributor of the merchandise as the technique of Time-Based Codes "C" Content-Viewed Billing Content Preselection (see Fig. 4), Financial Network for compiling of Store Discrete Address for each Customer Household (see Fig. 9), and Billing is Consolidated in the Users monthly Statement (see Fig. 16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Hunter teachings of wherein said information collecting unit receives and compiles the purchase request from the audience member and transmits the compiled result to a server of a distributor of the merchandise into that of Robinson's invention. By doing so, the system would be enhanced by capable of

Art Unit: 2173

compiling all purchase requests prior to transfer it to distribution center for quickly processing goods purchase.

As per claim 8, Robinson discloses the limitation of wherein audience terminal further comprises storage means for temporarily storing the receiving provided information as the technique of a random access memory RAM 14 for temporary storage of information (see col. 5, lines 16-17). This claim is therefore rejected for the reason as set forth above.

As per claim 12, due to the mostly similarity of this claim to that of claim 1 except for the limitation of showing image sense on a screen, the limitation of showing image sense on a screen is taught by Robinson as the technique of the movies are rated according to a four star system in which users rank movies in one-half star increments from zero star to four star (see col. 6, lines 59-61). This claim is therefore rejected for the same reasons applied to claim 1.

As per claim 13, due to the similarity of this claim to the combination of claim 12 and next to the last limitation of claim 1, this claim is therefore rejected for the reason as set forth above.

Art Unit: 2173

As per claim 14, due to the similarity of this claim to the combination of claim 13 and the limitation of reading personal information from claim 1, this claim is therefore rejected for the reasons as set forth above.

7. Claims 7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (USPN: 5,884,282) in view of Hunter et al. (US: 2002/0056118 A1) hereinafter Hunter and further in view of Reimer et al. (USPN: 6,065,042) hereinafter Reimer.

As per claim 7, Robinson-Hunter discloses the invention substantially as claimed above. Robinson-Hunter, however, does not disclose the limitation of wherein the information about the content of the performance is sequentially transmitted as the provided information from said information collecting unit while the performance being presented at the venue, and the information about the content of the performance is output from said provided information output means.

Reimer discloses the limitation of wherein the information about the content of the performance is sequentially transmitted as the provided information from said information collecting unit while the performance being presented at the venue, and the information about the content of the performance is output from said provided information output means as the technique of for providing on demand access to merchandise information related to a movie, and for providing on demand connectivity to merchants, while the movie is being presented to a user (see col. 4, lines 12-15) and

Art Unit: 2173

retrieving from the foundation information database foundation specified by the retrieved entry, and presenting the retrieved foundation information to the user. The items contained in the personalized collection include any combination of shots, takes, scenes, clips, audio segments, etc. (see col. 4, lines 5-10).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Reimer teaching of wherein the information about the content of the performance is sequentially transmitted as the provided information from said information collecting unit while the performance being presented at the venue, and the information about the content of the performance is output from said provided information output into that of Robinson-Hunter combined invention. By doing so, the system would be enhanced by providing the detail information of presentation to an end user while the performance is presented at the venue.

As per claim 10, Robinson-Hunter discloses the invention substantially as claimed above. Robinson-Hunter, however, does not disclose the limitation of the limitation of wherein displaying information about related merchandise on an audience terminal at the same time the corresponding image is projected onto a screen at the movie theater.

Reimer discloses the limitation of displaying information about related merchandise on an audience terminal at the same time the corresponding image is projected onto a screen at the movie theater as the technique of providing on demand access to merchandise information related to a movie, and for providing on demand

Art Unit: 2173

connectivity to merchants, while the movie is being presented to a user (see col. 4, lines 12-15).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Reimer's teaching of displaying information about related merchandise on an audience terminal at the same time the corresponding image is projected onto a screen at the movie theater into that of Robinson-Hunter combined invention. By doing so, the system would be enhanced by starting advertising product selling and displaying information of related merchandise while the movie is represented to an end user. Thus, the system would provide rich information to its end user.

As per claim 11, Robinson-Hunter discloses the invention substantially as claimed above. Robinson-Hunter, however, does not disclose the limitation of displaying on a terminal provided at each seat for the audience member information about the screened images at the same time the corresponding image is being shown.

Reimer discloses the limitation of displaying information about the screened images at the same time the corresponding image is being shown as the technique of the technique of providing on demand access to merchandise information related to a movie, and for providing on demand connectivity to merchants, while the movie is being presented to a user (see col. 4, lines 12-15).

It would have obvious to one having ordinary skill in the art at the time the invention was made to include Reimer's teaching of displaying information about the screened images at the same time the corresponding image is being shown into that of

Art Unit: 2173

Sprout's audience terminal and further into that of Robinson-Hunter combined invention. By doing so, the system would be enhanced by displaying information of corresponding images at the same time the movie is represented to an end user. Thus, the system would provide rich information to its end user.

8. Applicant's arguments filed on March/29/2004 have been fully considered, but they are not persuasive.

On the last two paragraphs of page 11, Applicant argues that "Applicant submits that the independent claims 1 and 9-14 are patentable over Sprout, Spagna and Reimer.... Each of the claims recites that "[a] terminal is mounted to a seat such that said audience member can alternatively view said terminal and [a] performance by merely shifting his/her eyes and without having to reposition said terminal".

The Examiner agrees that none of Sprout, Spagna, nor Reimer discloses that a terminal is mounted to a seat such that said audience member can alternatively view said terminal and a performance by merely shifting his/her eyes and without having to reposition said terminal. However, newly cited art issued to Hunter discloses this feature as the technique of the technique of Seat Back with Mounted Player (see Fig. 27) and Graphical user interface 235 (see Fig. 11).

On the second paragraph of page 12, Applicant argues that " Claims 2-8 depend on claim 1. Since claim 1 is believed to be patentable over the cited reference, claims 2-8 are believed to be patentable over the cited reference on the basis of their

Art Unit: 2173

dependency on claim 1". The Examiner, however, do not agree to this argument. Claims 2-8 are rejected for at least the same reasons based upon their dependencies on based claim 1.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached at (703) 308-3116.

Art Unit: 2173

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 872-9306 (Official Communication)

(703) 746-7240 (For status inquiries, Draft Communication).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8000.

CUONG T THAI
Examiner
Art Unit 2173

June 20, 2004.

BA HUYNH
PRIMARY EXAMINER